

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NICHOLAS MARLER, et al.,)	
)	
Plaintiffs,)	
)	Civil Action No. 4:14-CV-01463 (CAS)
v.)	
)	
CITY OF TROY, MISSOURI, et al.)	
)	
Defendants.)	
)	

MOTION FOR APPROVAL OF PROPOSED SETTLEMENT

COME NOW the Plaintiffs, by their attorney, Gonzalo A. Fernandez, and pursuant to the provisions of § 537.095, RSMo., move this Court to enter its order approving the proposed settlement based on the following terms:

1. Plaintiffs have filed suit against the Defendants for the wrongful death of Terry Marler, Jr., arising out of and as a result of an incident that occurred on August 23, 2011.
2. Plaintiffs, individually and by their attorney, have investigated the facts and circumstances of the occurrence and of the death of the decedent and of the potential elements of damage as set forth in § 537.090 RSMo. and the applicable provisions of Federal and State law.
3. Subject to the approval of the Court, the Plaintiffs have negotiated with Defendants the settlement on behalf of all persons,

including, but not limited to, all Defendants and all Plaintiffs who are entitled to sue or to join, the settlement being a full and complete settlement of all claims for the injuries to and death of Terry Marler, Jr., in the total sum of \$260,000.00.

4. This settlement is conditioned on approval by this Court and the execution of complete releases and indemnity agreements by all of the persons receiving distribution under order of this Court.
5. The following persons are, to the best knowledge and information of the plaintiff and counsel for the plaintiff, entitled to sue or to join, or to ultimately share in the benefits, to wit: Angela Marler, wife of Terry Marler, Jr., Nicholas A. Marler, Alexander M. Marler and Heather J. Marler, children of Terry Marler, Jr., Betty Davis and Terry Marler, Sr., parents of Terry Marler, Jr.
6. All persons in the preceding paragraph have been given notice of the scheduled hearing on approval of this settlement proposal and the notice has, therefore, been given to all persons known to the Plaintiffs who are entitled to sue or join in the suit, and to all prospective beneficiaries.
7. The Plaintiffs respectfully submit to the Court that, as a result of Plaintiffs' investigation as to potential liability of the Defendants, and given the potential for damages recoverable, this settlement is in the best interest of all persons who are entitled to proceeds thereof.

WHEREFORE, Plaintiffs respectfully move this Court to enter its order approving the settlement in the total amount of \$260,000.00 and to order Plaintiffs to: (1) collect a receipt for the settlement; (2) acknowledge satisfaction of the settlement amount and execute appropriate releases; (3) pay the costs of recovery and collection; (4) pay attorney fees to the attorneys representing Plaintiffs in the amount of \$104,000.00 representing 40%, plus costs of \$9,004.82; (5) apportion the net proceeds to the persons entitled to share in them; and (6) report and account to the Court and be thereafter discharged.

DEVEREAUX, STOKES, NOLAN,
FERNANDEZ & LEONARD, P.C.

By: /s/ Gonzalo Fernandez
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 6th day of January, 2015, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which in turn forwarded the same to all counsel of record.

/s/ Gonzalo Fernandez